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ABSTRACT

Current issues involved in the identification and assessment of Limited-English-Proficient (LEP) students being considered for special services are reviewed. Focus is on the characteristics of the at-risk LEP students, who are often placed in special education programs. A theoretical framework to guide research and practice in this field is discussed, and three theoretical paradigms are reviewed: Cummins' empowerment perspective (1986); the effective schools and instruction synthesis of Baca and Cervantes (1989); and the enriched literacy framework of Ruiz (1988). A move away from strict reliance on psychometric approaches is advocated. The need for greater reliance on the use of clinical judgment based on informal and dynamic assessment of the student is emphasized, as well as the need to use the student's native language for testing purposes, whenever possible. The need for the development of effective referral intervention models and strategies for LEP students with disabilities is stressed. Suggestions are offered for practitioners who work daily with culturally and linguistically different exceptional students. Recommendations for continued research are offered. An appended table summarizes findings from the Texas and California Handicapped Minority Research Institutes. Contains 71 references. (LB)

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THEORY AND PRACTICE IN BILINGUAL/CROSS CULTURAL SPECIAL EDUCATION: MAJOR ISSUES AND IMPLICATIONS FOR RESEARCH, PRACTICE, AND POLICY

Leonard M. Baca

INTRODUCTION

Although the exact number is not known, it has been estimated that there are approximately one million students in our country who are limited English proficient (LEP) (referred to as potentially English proficient (PEP) by many educators) and who also have serious learning or behavior disorders and needs that may qualify them for special education services (Baca & Cervantes, 1989). These culturally and linguistically different exceptional (CLDE) students have been referred to in the literature as "triple threat students" (Rueda & Chan, 1979). In other words, these students have three strikes against them before they even get an opportunity to step into the batter's box (school). The first strike these students face is a behavior and/or learning handicap as defined by special education. The second strike is the limited English proficiency as defined by bilingual education. The final strike that many of these students must also deal with is poverty and all the concomitant limitations it imposes on the education experience. It has also been suggested that the characteristic of race or ethnicity be added as a fourth strike.

The federal government has over time responded to these three separate education issues for three distinct populations; namely the handicapped, the limited English proficient, and the poor. Each of these populations has advocates and organized lobby groups that have worked diligently to bring about mandatory or permissive legislation and accompanying programs and services for their specific category group. The CLDE or the "triple threat student" population, however, has never been targeted as a specific population in need of legislation and categorical support. For this and other reasons, CLDE students usually fall between the cracks and thus remain, for the most part, a major underserved and inappropriately served group of students in our schools today.

Describing CLDE Students and Their Needs

The bilingual student with special education needs should not be viewed as handicapped because he/she is limited in English proficiency. The student's handicap is not a consequence of dual language ability, but rather it

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is a result of a physical, psychological, or developmental impairment. The fact that the child is limited in English proficiency is merely an additional characteristic of the student.

Handicapped students, as defined by special education standards, are grouped in one or more of ten categories. These categories are the learning disabled, speech impaired, mentally retarded, emotionally disturbed/behaviorally disordered, other health impaired, multihandicapped, hard of hearing and deaf, orthopedically impaired, visually handicapped, and deaf-blind. Within most of these categories students may also be classified as either mild/moderate, severe, and/or profound. The large majority of handicapped students fall into the mild and moderate group and approximately 90 percent of the handicapped are in socially constructed categories, such as learning disabilities, emotional disturbance/behavioral disorders, mild and moderate mental retardation, and speech impairment.

The distinction between socially constructed categories such as learning disabilities and emotional disturbance and the physical/organic categories such as the deaf and blind is a very important one. The socially constructed categories are a consequence of social norms and thus subject to change over time and across various cultural and national groups. It has also been suggested by some educators that inadequate schools and inappropriate instruction or schooling may be responsible for creating handicapping conditions for students (Mehen, 1987; Cummins, 1989). For this reason, among others, it is important to include a discussion about a larger group of students not necessarily handicapped but very likely to be identified as such as they progress through school. This group is generally referred to as the "high risk" population. These students have been cited as having many of the characteristics described above. They, as a group, achieve below grade level and leave school before graduation in disproportionate numbers.

According to Fradd and Correa (1989), "high risk" refers to students who are physically, medically and psychologically in danger of failing to thrive. Included also are students who do not speak English as their first language and whose education opportunities are limited because of their lower socioeconomic status (SES) and cultural differences based on race and/or ethnicity. Perhaps the greatest risk factor some of these students face is that their schools, curricula, and teachers are disadvantaged in the sense that they are ill prepared to communicate with them in their native language and to understand their cultural differences, motivational patterns and academic learning styles. This, of course, points to the need for improved teacher training programs as well as more appropriate curriculum and materials for the at-risk and CLDE student population.

Both high-risk and CLDE students can benefit from instruction in language(s) in which they are stronger and more proficient. In many cases, this is the student's native language. Fradd and Vega (1987) have indicated that use of the student's non-English language is a central issue when a student has both limited English proficiency and a disability. Bernal (1974) appears to be the first educator to have advocated, in print, for a bilingual instructional program for the CLDE student. Baca and Cervantes (1989) and Ortiz (1983) have also recommended the use of a bilingual instructional approach for the CLDE student.

Bilingual/Cross Cultural Special Education Defined

Bilingual special education should be defined from a "bilingual" as well as a "special" (special education) perspective. The term "bilingual" generally means able to use two languages. Since the degree of proficiency in the two languages can vary considerably, Hornby (1977) suggests that it is not an all-or-none property but rather an individual characteristic that may exist in varying degrees from minimal ability to complete fluency in more than one language. A broad definition of bilingual education that is widely accepted is "the use of two languages as media of instruction" (Cohen, 1975, p. 18). The primary purpose of bilingual education, according to the consensus of experts, is to improve cognitive and affective development (Blanco, 1977). In other words, the primary goal of bilingual education is not to teach English or a second language but to teach children academic and social skills through the language they know best and to reinforce these in the second language.

Special education may be defined as an individually designed program of instruction implemented by a trained specialist for a student whose learning and/or behavior needs cannot be adequately met in the regular program of instruction. Based on the above information, bilingual/cross cultural special education is defined, for purposes of this paper, as "the use of the home language and the home culture along with English in an individually designed program of special instruction for the student" (Baca and Cervantes, 1989). In other words, bilingual special education considers the student's native language and culture as strengths and important resources that constitute the foundation upon which an appropriate and effective education may be provided. The ultimate goal of bilingual special education is to assist the CLDE student to reach his or her maximum potential for learning. Although teaching English as well as the native language are important, they should not become the primary purpose. To do so would cause a classic means-end conversion that could prove very harmful to the student. For example, if a special educator or a bilingual special educator would consider the acquisition of English as the CLDE student's primary need, valuable instructional time for teaching concepts and academic skills would be lost.

Just how the bilingual special education instruction would be implemented could vary considerably. By law and sound pedagogical practice, it should occur in the least restrictive environment. This generally means within the mainstream educational environment to the extent possible. The CLDE student could be served in a regular monolingual or bilingual classroom, in a resource room, or, if need be, in a self-contained classroom or special facility. The major determinants of the program design and delivery mode would be first the student needs and second the availability of specially trained bilingual, ESL and bilingual/crosscultural special education personnel.

HISTORICAL OVERVIEW OF AN EMERGING DISCIPLINE

The field of bilingual/crosscultural special education has a very brief twenty-year history and is still in the process of evolving and defining itself. The first references to bilingual special education were made in the early seventies (Baca & Amato, 1989). The first major professional conference titled "Cultural Diversity and the Exceptional Child" was convened in 1973 by the Council for Exceptional Children. The published proceedings of this conference were the first publication devoted exclusively to this topic. In 1974, the journal Exceptional Children published its first topical issue devoted to this area of concern.

The evolution of this new discipline can be divided into three periods. The first period, from 1970 to 1975, may be described as the awareness phase. The second period, from 1975 to 1985, may be called the program development phase. The third period, from 1985 to 1990, is best described as the program refinement and institutionalization phase. During the first phase educators and researchers began raising issues and calling attention to the need for nonbiased assessment practices and for native language and ESL instruction within special education programs. During this period, the emerging discipline began to coalesce around two major questions. The first was are we identifying the right students? In other words, are all of these minority students in special education really handicapped? The second question was are we providing these culturally diverse and language minority students in special education appropriate services? Although the field has moved beyond these early concerns, they still remain the focus of much instructional and research activity and debate today. The federal government's involvement in bilingual special education teacher training was also initiated during this second period (1979) with grants from what is now known as the Office of Special Education and Rehabilitative Services. It was also during the second period that an initial body of literature and syntheses of the extant knowledge base started appearing regularly as textbooks, monographs, and journal articles. The third period focused on refining existing public school instructional and higher education training programs. The period of the nineties seems to be

concerned with restructuring the entire field through a substantial paradigm shift related not only to bilingual special education but both special education and regular education in general.

Legislation and Litigation

In addition to professional endorsement from educators and researchers, bilingual special education has also been supported by both legislation and litigation. Thus, it is now clear that bilingual students, including those with handicaps, have finally established their right to be educated in the language of their greater proficiency. This is based to a large extent on section 504 of the Rehabilitation Act of 1973, which states:

> No otherwise qualified handicapped individual in the United States as defined in Section 7(6) shall, solely by reason of this handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

One year later, in 1974, the Education for All Handicapped Children Act specified that assessment of all children be nonbiased in terms of handicap and native language. It also called for an appropriate education for all handicapped children, requiring that an individualized educational program (IEP) be developed based on the unique needs of each child. For the CLDE student this means that assessment planning and instruction should incorporate the native language and culture of the student.

The courts have also offered their support for bilingual special education. Perhaps the three most significant cases, in addition to the classic Supreme Court's Lau v. Nichols decision of 1974, have been Jose P. v. Ambach (1983), which charged that handicapped children were being denied a free and appropriate education because of a lack of timely evaluation and placement in an appropriate program. United Cerebral Palsy (UCP) of New York v. Board of Education of the City of New York (1979) charged that children who have disabilities resulting from brain injury or other impairments to the central nervous system were not receiving appropriate special education services. Perhaps the most significant of these cases was Dyrcia S., et al. v. Board of Education of the City of New York (1979). In this case, the plaintiffs were Hispanic children living in New York City who were both LEP and handicapped and who needed bilingual special education services for which they were not being promptly evaluated and placed. Because these cases were so similar, a consolidated judgment was issued for all of them. In summary, the relief included these provisions:

1. the establishment of an outreach office with adequate bilingual resources for the identification of children needing special education services;

2. appropriate evaluation through the establishment of school-based support teams to evaluate children in their own environment with a bilingual, nondiscriminatory evaluation process;

3. appropriate programs in the least restrictive environment, including a comprehensive continuum of services with the provision of appropriate bilingual programs at each level of the continuum for LEP children;
4. due process and parental student rights, including a Spanish version of a parents' rights booklet, which explains all the rights of children and parents. Also included was the hiring of community workers to facilitate parental involvement in the evaluation and development of the IEP.

CURRENT ISSUES

There are a number of critical and important issues facing researchers, practitioners, and parents and their children who are currently involved in bilingual special education. Some of the more critical issues are development of a theoretical framework for guiding practice; identification and assessment; over-and underrepresentation; prereferral intervention; curriculum and instructional approaches; leadership development; research and evaluation; and policy formulation. The next section of the paper will address some of these major issues.

The Need for a Theoretical Framework

There has been considerable discussion in this fledgling discipline regarding the theoretical frame that would be appropriate to guide research, practice, and policy in bilingual/crosscultural special education. Cummins (1984, 1986, 1989) has argued that minority student underachievement is a sociohistorical outcome of discriminatory treatment in society and the public schools. He sees special education for the mildly handicapped minority student more as an outcome of this unequal treatment than as a valid educational construct or program. He thus makes a strong case for the educational empowerment of language minority students and their parents. His bilingual special education framework calls for schools and educators to stop disabling minority students and to start empowering them by "promoting

their linguistic talents and confidence in their personal identity and ability to succeed academically" (Cummins, 1986, p. 18). His empowerment model includes the following four dimensions:

1. an additive rather than a subtractive incorporation of the students' language and culture;

2. a collaborative rather than an exclusionary approach to parent and community involvement;

3. an interactive and experiential as opposed to a transmission-oriented pedagogy;

4. an advocacy-oriented rather than a legally-oriented assessment process.

The major goal of his theoretical framework and empowerment model is to prevent as much as possible the need for special education for minority students. The implementation of his model will require major changes in the way special education is currently conceived and delivered.

Ruiz (1989) in her discussion of the development of the Optimal Learning Environment Curriculum (OLE) describes an extensive literature review that generated, in effect, a theoretical framework for the effective instruction of CLDE students in California. She presents these as "instructional principles." They are as follows:

1. Take into account students' sociocultural backgrounds and their effects on oral language, reading and writing, and second-language learning.

2. Take into account students' possible learning handicaps and their effects on oral language, reading and writing, and second-language learning.

3. Follow developmental process in literacy acquisition.

4. Locate curriculum in a meaningful context where the communicative purpose is clear and authentic.

5. Connect curriculum with the students' personal experiences.

6. Incorporate children's literature into reading, writing, and English as a second language (ESL) lessons.

7. Involve parents as active partners in the instruction of their children.

8. Give students experience with whole texts in reading, writing, and ESL lessons.

9. Incorporate collaborative learning whenever possible.

Baca and Cervantes (1989), in the second edition of the Bilingual Special Education Interface, also propose a theoretical framework for bilingual special education that combine relevant research and validated practices from the parent disciplines of regular, bilingual, and special education.

The first part of the theoretical framework is taken from the effective schools research of regular education. The field of regular education has been concerned with how best to educate high-risk students for many years. When Coleman (1968) conducted his well-known study on schooling in the United States, he reported that family background was the key variable for predicting school success. His research painted a very pessimistic picture of schooling in poverty areas.

In the late 1970s this picture began to change. A few inner city school districts began to report achievement at or above national norms. Researchers decided to go into those schools and document everything that might account for the improved results. This effort became known as the effective schools research movement. Edmonds (1979) and Lazotte (1984) summarized much of this research. They stated that the characteristics of effective schools are:

1. strong administrative leadership,

2. high, positive expectations for all students and staff,

3. orderly but not rigid environment,

4. the placement of priority on academic skill acquisition,

5. the organization of school energy and resources for first priority,

6. frequent monitoring of student progress,

7. a clear, shared sense of mission,

8. the ability of students to learn and teachers to teach,

9. effective use of class time, and

10. effective home-school support systems.

Moving beyond effective schools in general and looking specifically at effective classrooms, a National Institute of Education (1982) study documented the following effective classroom management practices:

1. using a systematic approach;

2. preparing in advance;

3. planning before the school year starts;

4. establishing procedures and routines at the start of the school year and maintaining them;

5. focusing student attention on group lessons and independent work times;

6. establishing procedures during the first two weeks of school;

7. preventing problems from arising, rather than developing responses after they have occurred; and

8. maximizing student time on task for the improved learning of the basic skills.

In the area of instruction, the National Institute of Education (1982) documented the following in effective classrooms:

1. checking previous day's work and reteaching when necessary;

2. presenting new content/skills, proceeding rapidly but in small steps, giving detailed instructions and explanations;

3. having students practice with considerable teacher involvement until they understand 80 percent or more of the materials;

4. giving feedback and correctives, recycling when necessary;

5. providing for independent practice, after which students should obtain mastery at the 95 percent level; and

6. reviewing skills and information weekly and monthly.

Other researchers have applied the effective schools research model to bilingual schools. Carter and Maestas (1982), for example, have reported that teachers and administrators in effective bilingual schools do the following:

- teach English as the primary objective,
- treat the two languages as equally important,
- stress basic skills in both Spanish and English,
- maintain high expectations for academic achievement,
- demand diligent study,
- organize programs that detail goals and objectives,
- monitor individual academic achievement,
- have planned measures to correct weaknesses,
- include cultural and experiential realities drawn from the community,
- employ teachers who are excellent language models in one or both languages, and
- believe bilingual education is effective in raising academic achievement.

Tikunoff (1982), in a longitudinal study of effective bilingual programs, also documented effective bilingual teacher behaviors. According to his research, effective bilingual teachers do the following:

- emphasize basic skills;
- focus on developing L1 and L2;
- engage students in task completion;
- monitor student progress;
- provide frequent, immediate feedback; and
- communicate task and instructional demands.

According to Tikunoff (1987), the person most responsible for bringing about an effective school environment is the principal.

The second part of the theoretical framework is taken from the empirical principles that guide bilingual education. These principles have been carefully summarized by the California State Department of Education (OBBE, 1982). They are as follows:

1. For bilingual students the degree to which proficiencies in both L1 and L2 are developed is positively associated with academic achievement.

2. Language proficiency is the ability to use language for both academic purposes and basic communicative tasks.

3. For language minority students the development of the primary language skills necessary to complete academic tasks forms the basis for similar proficiency in English.
4. Acquisition of basic communicative competency in a second language is a function of comprehensible second language input and a supportive affective environment.

5. The perceived status of students affects the interactions between teachers and students and among the students themselves. In turn, student outcomes are affected.

Finally, the theoretical framework incorporates some of the proven principles from special education. A review of the special education literature shows that the following strategies and principles have proven effective with handicapped students:

- instruction in the least restrictive environment;
- individual planning of instruction;
- instruction focusing on student abilities;
- use of a learning strategies approach to remediation;
- instruction through specially and highly trained special education personnel; and
- parental involvement in all aspects of the program.

The above discussion related to theoretical frameworks can be summarized as follows: The sociopolitical insights of Cummins and his empowerment theme constitute a very useful broad framework for preventing mild and moderate socially constructed handicapped designations and services for CLDE students. His perspective is also helpful for promoting more effective advocacy oriented assessment and effective prereferral interventions. The Baca and Cervantes synthesis of the effective schools/instruction integrated with the major validated principles of bilingual and special education pedagogy is also very useful. It constitutes a framework for designing and implementing a broad continuum of bilingual/cross cultural special education programs and services in a range of politically and educationally diverse settings. The principles articulated by Ruiz constitute an effective guide for implementing enriched, challenging and effective literacy instruction at the bilingual/cross cultural special education classroom level.

Over/Under Representation

The literature of the past twenty-five years documents the fact that culturally and linguistically different (CLD) students from several racial and ethnic groups have not had equitable treatment from special education. African American, American Indian, and Hispanic students have been overrepresented in classes for the mildly and moderately handicapped. Asian students have not been overrepresented. The special education categories involved include mental retardation, learning disabilities, speech and communication disorders, and emotional disturbance. Although modest progress has been reported relative to this problem, it remains a major issue. While educators have struggled to rectify this problem, a new problem of under representation began to emerge about twelve years ago (Ovando & Collier, 1985; Ima & Rumbaut, 1989) involving the gifted and talented and the more severe levels of mental retardation, emotional disturbance, speech and communication disorders, other health impairments and multiple handicaps. Chinn and Hughes have indicated that, according to data published by the Department of Education's Office for Civil Rights (OCR), Hispanic students were under represented in classes for the gifted and talented and for the mentally retarded from 1978 to 1984. They were also under represented in classes for the emotionally disturbed from 1980 to 1984. Hispanics were under represented in programs for the speech impaired between 1978 and 1984. It has been suggested by Baca and Cervantes (1989) that the phenomenon of under representation may be related to the expansion of bilingual and other categorical programs which may have become in certain situations alternative placement for CLDE students. Although the field is experiencing problems with both over and under representation, the major problem, by far, continues to be over representation.

The President's Commission on Mental Retardation (1969) brought this problem public awareness with the publication of "The Six Hour Retarded Child." This report, along with Larry P. v. Riles (1979, 1986), focused primarily on African American students. The Lau decision cited above centered on Asian students. The Mexican American Education Study (1971), Diana v. California (1970) and numerous other reports and court cases have continued to address this chronic problem as it affects Hispanic students. American Indian students both on and off reservations are without any question the most educationally neglected and underserved population in our schools today.

In the sixties and seventies most of the over representation was concentrated in classes and programs for the mildly retarded (Mercer, 1973). In the eighties, however, the over representation shifted to the categories of learning disabilities and communication disorders (Ortiz & Yates, 1983). Ortiz also found that the placement of Hispanics in learning disabilities and communication disorders programs was related to whether a learning disability specialist or a speech and language specialist was involved in the staffing decision.

A major reason for the over representation of bilingual students in special education continues to be inappropriate referral and assessment practices. Jones (1976) summarized the assessment aspect well when he stated that bias is involved at three different levels:

1. at the content level where the decisions are first made about what items to include in a test,

2. at the level of standardization where decisions are made about the population for whom the test is appropriate, and

3. at the point of validation where efforts are undertaken to determine whether or not tests accomplish what they have been designed to accomplish.

Other important factors contributing to over representation are examiner bias, uneven preparation of diagnostic personnel, language and/or cultural mismatch between diagnostician and student, and the strong tendency of regular classroom teachers to refer difficult to manage or teach students. Perhaps the most important factor is the lack of strong and consistent prereferral polices and practices by regular education personnel.

Although significant numbers of language minority students continue to be inappropriately placed into special education programs, a sizable number of these students have significant learning and behavior problems that

do indeed qualify them for special education. It is for this population that bilingual/cross cultural special education services are necessary.

Assessment

Assessment may be defined as the evaluation of all relevant aspects of a child's behavior and environment for the purposes of classifying the child for placement and acquiring information relevant to planning and evaluating (Oakland & Matuszek, 1977). It should be pointed out that assessment is broader than testing and as such encompasses informal and nonpsychometric approaches as well as standardized norm referenced modes of assessment. Assessment is definitely the issue that has received the greatest degree of attention of all the topics in the field of bilingual special education (Plata, 1982; Mowder, 1980; Ambert & Dew, 1982). Assessment can be divided into three separate areas: psychological assessment, language assessment, and educational assessment. Figueroa (1989) has conducted an extensive review of the literature on psychological testing of minority students and has stated that the existing practices in school psychology related to IQ testing have not changed much over the past seventy years. The major findings he reported documented the following:

1. Nonverbal IQs were always higher than verbal IQs; nonverbal IQs were considered free of language and culture and hence a measure of innate ability;

2. Nonverbal IQs were not found to be as effective in predicting academic achievement as verbal IQs;

3. The impact of bilingualism on test scores was consistently ignored.

4. The translation of tests became the most desired solution.

5. Anomalous data on testing bilinguals has been systematically discarded (Figueroa, Innovative approaches research project technical proposal, 1988).

These findings are predicated on and closely tied to a norm referenced psychometric model. Attempts to correct or adapt this traditional model have failed. The most well known and significant of these efforts was undertaken by Mercer (1979) when she developed the System of Multicultural Pluralistic Assessment (SOMPA). Today, however, Mercer believes that the psychometric model is intrinsically flawed and cannot be successfully adapted for use with language minority students (Mercer, 1986).

In a recent article on the psychological testing of linguistic minority students, Figueroa (1989) challenges school psychologists to engage in a major paradigm shift or to continue to engage in what some consider to be malpractice. In effect, what is needed is movement toward new and dynamic models for measuring intelligence (Duran, 1989; Campione, Brown & Ferrara, 1982). Figueroa (1988) proposes a new model based on the information processing research of Campione, Brown and Ferrara (1982). These researchers believe that the building blocks of intelligence are speed of processing, knowledge base, strategies, metacognition, and executive control. Figueroa maintains that the use of these constructs requires a shift of focus from standardized psychometrics to modifications of learning environments, such as the approach used by Feuerstein (1979) in the Learning Potential Assessment Device (LPAD). In this type of model, the growth from unassisted performance to mediated or assisted performance (Vygotsky's Zone of Proximal Development, 1978) can be measured. For the LEP student, this type of assessment is a much more accurate measure of the upper range of his or her ability (Ruiz, 1988; Budoff, Gimon & Corman, 1974).

Language assessment of high-risk students is also of critical importance within bilingual/cross cultural special education. Research in this area continues to document the difficulty that teachers and clinicians have in distinguishing between a language difference and a language disability (Cummins, 1984; Ortiz & Polyzoi, 1987; Langdon, 1989). The use of standardized and discrete point language assessment approach has proven inadequate in assessing the dual language abilities of bilingual students (Lee, 1989; Bernstein, 1989; Langdon, 1989). As a result, a growing number of speech and language specialists are advocating the use of non standardized and informal assessment alternatives for high-risk language minority students from diverse language groups (Bernstein, 1989; Mates & Omark, 1984; Oller, 1983). These more appropriate approaches to language assessment utilize more naturally generated language samples to assess language pragmatics or functional communicative competence. When a naturalistic approach is used for assessment, the language specialist can describe the quality of communication between the student and other speakers in a variety of contexts including the home and community. Cheng (1989) has developed a checklist that has been used successfully with Asian and other language minority students. Damico (in press) is also doing pioneering work along these lines.

Educational assessment could be viewed as the most important area of assessment of high risk or CLDE students because it is so universal and pervasive and because it is much more closely, or at least potentially, related to instruction. Another reason for its importance is that it occurs before language and psychological assessment. Because educational assessment generally occurs within the regular education context, there is potential for

prereferral intervention and student advocacy as a potential benefit of this type of assessment.

Traditional standardized, norm referenced educational achievement tests have been steadily criticized for the past twenty years as inappropriate and invalid for use with language minority students. Item bias and norming bias have been discussed at length in the literature. Duran (1988) also pointed out that existing testing practices are limited in validity and reliability for Hispanic students because of factors such as limited English proficiency, lack of familiarity with the content of the test items, lack of cultural sensitivity of the test administrators, and the lack of test taking strategies on the part of the students. Cummins (1984) has also shown that achievement tests do not provide specific feedback to teachers for instructional purposes.

Because of these limitations of norm referenced tests special educators have promoted the use of criterion referenced and curriculum based assessment instruments and procedures. These tests do provide more instructional direction to both teachers and students. It is for this reason that tests such as the Brigance have become so popular for bilingual special educators. Duran (1989) indicates that even these instruments and approaches are limited because they are not based on explicit cognitive process models of learning that offer "on-line" advice to students during the very act of learning. In an attempt to provide a more effective educational testing approach, Duran (1989) calls for the use of a dynamic assessment approach he refers to as "reciprocal teaching." Dynamic assessment establishes a strong link between testing and teaching. It utilizes a test, train, test procedure that encourages the teacher to be a diagnostic teacher who uses clinical judgment in the evaluation of student performance.

Prereferral Intervention

The term "prereferral" is used to refer to the time period after an indication by a teacher or a concerned person that the student has some kind of learning or behavior problem but before a formal referral for staffing occurs (Baca, Collier, Jacobs, & Hill, 1990). Prereferral intervention is generally divided into types. That include school-based problem solving teams and consultation by special education teachers (Pugach & Johnson, 1989). Prereferral committees have a variety of titles in different parts of the country. They are often referred to as child study teams. These child study teams should operate under the auspices of regular education (Pugach & Johnson, 1989) and should include bilingual and ESL personnel. If a special educator or a speech and language specialist is involved, it should not be as chair of the committee but as a consultant to the team of regular classroom personnel. It is unfortunate that the term prereferral has become so popular among

educators because it perpetuates the mind set that referral and placement will soon follow.

The most basic and essential element of prereferral intervention is the implementation of alternative curriculum and instructional interventions or behavioral management approaches within the regular monolingual or bilingual instructional setting. When the intervention occurs under the official auspices of special education it can no longer be considered a prereferral intervention.

The high-risk or CLDE student could have learning or behavior problems that stem from external factors, such as the learning environment, the teacher, or the curriculum. On the other hand, the learning or behavior problems could also be related to internal factors, such as a language difference, a cultural difference, a handicapping condition, or a combination of these factors. It is also very likely that a combination of these factors needs to be addressed within an ecological framework or intervention model.

A major goal of prereferral intervention is to identify and implement a series of instructional and behavioral interventions within the regular or bilingual/ESL classroom. All too frequently the problem can be ameliorated at this level without the formal services of special education or bilingual special education. Differences in experiential background and previous school settings could be resolved by providing cognitive learning strategy interventions and curriculum modifications that are culturally and linguistically based. Difficulties stemming from acculturative stress could be resolved through cross cultural counseling, peer support groups or training in cultural survival techniques. Learning problems associated with limited English proficiency could be resolved by language development interventions such as ESL instruction, native language development, and bilingual assistance and instruction. At the very least a formal referral of a high-risk CLD student should not occur without first considering the following variables: (a) time for adjustment, (b) familiarity with the school system and language, and (c) cultural differences. Ortiz (1984) maintains that errors in determining LEP students' education needs occur most frequently when teachers and other school personnel lack an understanding of second language acquisition and educationally relevant cultural differences. Thus, it is essential that more research be conducted to determine how classroom teachers actually decide to refer students into special education and what attempts they make at prereferral interventions prior to formal referral.

Prereferral intervention has been identified as a major component of bilingual/cross cultural special education (Ortiz, 1989). Ortiz and her colleagues at the University of Texas have reported on the effectiveness of prereferral interventions with CLDE students in the San Marcos School

District in Texas. This research project, known as the AIM FOR THE BEST project, was funded by the Office of Bilingual Education and Minority Languages Affairs (OBEMLA). It should be noted, however, that the problems facing bilingual/cross cultural special education are not unique to this new field but are related to major problems facing both regular and special education (Rueda, 1989). Along these same lines, Pugach and Johnson (1989) point out that prereferral intervention represents merely one level of change needed if schools are to accommodate students with problems. Changes will also be required in school structure, teacher education, and school reform.

Research and Evaluation

Early research in this new field came out of the parent and related disciplines such as regular, special and bilingual education along with traditional disciplines such as anthropology, psychology, linguistics and sociology. Practitioners and scholars in the field began by extrapolating and applying the theories and findings from these areas to the CLDE student. Likewise information from these fields became the building blocks for designing services and programs for this unique population of learners. For example, one of the classic studies quoted in the early bilingual special education literature is taken from the bilingual education work of Malherbe (1969), who reported that the children involved in the bilingual schools in South Africa performed significantly better in language attainment (in both languages), geography, and arithmetic than comparable monolingual children. This study was considered significant to the CLDE population because it was one of the few studies up to that time that had controlled for intelligence. In his report, Malherbe stated:

> There is a theory that while the clever child may survive the use of the second language as a medium, the duller child suffers badly. We therefore made the comparison at different intelligence levels and found that not only the bright children but also the children with below normal intelligence do better school work all around in the bilingual school than in the unilingual school. What is most significant is that the greatest gain for the bilingual school was registered in the second language by the lower intelligence groups.

A related investigation by Buddenhagen (1971) is cited by McLaughlin (1984). In this situation initial language acquisition at the age of eighteen was reported for a mute Down's syndrome student. Baca and Bransford (1982) summarized the findings of five program evaluation studies that reported

significant gains on the part of CLDE students in bilingual special education programs. The major results of these studies were the following:

1. Lesser (1975): Spanish speaking handicapped students in New York made significant reading gains.

2. Project Build (1980): This Title VII program in New York reported that a combined bilingual and special education resource room was meeting the needs of bilingual special education students with significant results.

3. Weiss (1980) reported significant language and learning gains for three-to five-year-old CLDE in a bilingual handicapped children's early education program (HCEEP) in Colorado.

4. McConnell (1981) reported statistically significant gains for Spanish-speaking migrant students in a bilingual oral language program among both high and low ability students.

5. Evans (1980) reported on eighteen programs throughout the central United States that reported initial success in educating bilingual handicapped students.

OBEMLA sponsored a study of mainstreamed LEP handicapped students in bilingual education. In the final report, Vasquez, Nuttall, Goldman, and Landurand (1983) described the purpose of this study as an attempt to determine how bilingual educators are coping with the LEP handicapped children mainstreamed in elementary school bilingual education programs. This descriptive study of twenty-one local school districts from all regions of the United States focused on three areas: 1) identification, assessment and placement; 2) instruction of mainstreamed LEP students in bilingual classrooms; and 3) inservice training for the staff serving these students. In summary, the major results they reported were as follows:

1. LEP handicapped students are identified and placed in bilingual special education programs via the IEP process when there are bilingual special education services available to them (33 percent of the time in this study).

2. When bilingual special education services are not available, children tend not to be identified as handicapped and remain the responsibility of regular bilingual education.

3. For non-Hispanic LEP handicapped students, bilingual special education programs are rare, and these students tend to receive ESL rather than native language instruction.

4. Most districts reported that they did not refer LEP students to special education without first modifying their regular bilingual instructional program.

5. Testing approaches most used were the common culture, nonverbal, and test translations. Only one-third reported using the newer, less biased multipluralistic approaches.

6. Most of the LEAs allowed handicapped LEP students to stay in bilingual programs longer than nonhandicapped LEP students, up to five years in three of the districts.

7. LEP students who may be handicapped but who have not been placed in special education are monitored by the bilingual program utilizing bilingual education criteria.

8. Bilingual teachers use regular bilingual curriculum and materials with LEP handicapped students.

9. Most bilingual teachers reported that they adapt their instruction for the LEP handicapped by simplifying instructions, providing more repetition, designing worksheets with larger print and fewer words.

10. None of the bilingual directors gave evidence of having focused specifically on the curricular needs of handicapped LEP students.

11. Inservice training is greatly needed for both special education teachers and bilingual teachers to be able to understand and work with LEP handicapped students.

12. The best bilingual special education programs and leadership have been developed through the bilingual program.

13. Most LEAs have not found effective ways of training LEP parents to become involved in the education of their handicapped children.

14. There is a shortage of bilingual special education instructional and ancillary personnel.

15. It appears that there is under representation of LEP students in special education for thirteen of the twenty-one districts studied.

In the early 1980s, the Office of Special Education and Rehabilitative Services (OSERS) sponsored two Minority Handicapped Research Institutes in

California and Texas. The research conducted through these two projects represents the first formal and systematic research agenda related to bilingual special education. The research was carried out by the University of Texas at Austin under the leadership of Alba Ortiz and by the Southwest Educational Laboratory in Los Angeles under the direction of Robert Rueda. A synthesis of this information was compiled by Richard Figueroa (1989) and is summarized in the following table.

Table 1

Summary of Findings from the Texas and California Handicapped Minority Research Institutes

Assessment

1. Language proficiency is not seriously taken into account in special education assessment.
2. Testing is done primarily in English.
3. Language (L2) problems are misinterpreted as handicaps.
4. LD and CH placements have replaced the EMR misplacement of the 1960s and 1970s.
5. Psychometric test scores from Spanish or English tests are capricious in their outcomes though paradoxically internally sound.
6. Special education placement leads to decreased tests scores.
7. Home data are not used in assessment.
8. The same few tests are used with most children.

Instruction

1. The behaviors that trigger teacher referral suggest that English language acquisition stages and their interaction with English-only programs are being confused for handicapping conditions.
2. Few children receive L1 support before special education, even fewer during special education.
3. The second and third grades are critical for bilinguals in terms of potentially being referred.
4. Prereferred modifications of the regular programs are rare and indicate little L1 support.
5. Special education produces little academic development.
6. The few special education classes that do work for bilinguals are more like good regular bilingual education classes (whole language emphasis, comprehensive input, cooperative learning, student empowerment) than traditional behavioristic, task analysis drive, worksheet-oriented special education classes.

More recently Rueda (1984) and Goldman and Rueda (1988) reported positive outcomes for bilingual exceptional children related to metalinguistic awareness and writing skill development. In the latter study, Goldman and Rueda conclude that it is likely that a critical feature of writing instruction for the CLDE student is the establishment of an interactional context that can provide the appropriate scaffolding for the student to advance. They argue that bilingual exceptional children should be allowed to bring their own material and native language into the classroom.

In a recent article, Harris, Rueda, and Supancheck (1990) describe literacy events in secondary special education in linguistically diverse high schools in California. This ethnographic study of fifteen classrooms in three high schools in Southern California found the following: English was the preferred language of instruction and print materials; instruction occurred primarily within two interactional structures (i.e. teacher and student and student working alone with no peer interaction); and interaction was dominated by the teacher and involved the traditional initiate-respond-evaluate cycle with no student initiated interaction reported.

It appears that the research and evaluation studies in this emerging field have not always emerged from an established theoretical framework. It would seem important that future studies be grounded in an established theoretical framework and as a result continue toward the enhancement and validation or rejection and development of alternative theoretical perspective.

There are two notable exceptions to this discontinuity between theory and research and evaluation studies. The first is the work of Alba Ortiz and her colleagues. Her project, AIM FOR THE BEST, is in San Marcos, Texas. This work has emerged to a great extent from Cummins' theoretical perspective. The comparative inservice training with all staff members of San Marcos schools will hopefully go a long way in furthering a preventive approach to special education through the implementation of a strong and effective prereferral model.

The work of Figueroa, Rueda, and Ruiz in their development of the OLE model of instruction is also consonant with holistic and interactive approaches to instruction and with the findings on effective instruction.

Suggestions for Practitioners

Because bilingual special education is relatively new within our schools, there is still a lack of research and empirical evidence upon which to make exhaustive and detailed recommendations to teachers and other educators. Nonetheless, it is possible to suggest general principles and approaches as

well as emphases that are consistent with our current knowledge base and state of the art. The following suggestions are offered:

1. Stress prevention of handicapping conditions for LEP students by emphasizing cultural and linguistic pluralism and academic excellence within regular education.

2. Strengthen the capacity of regular educators in meeting the needs of at risk language minority students. This could be done through improved preservice and inservice training that includes native language and ESL models and approaches as well as techniques for serving these students.

3. Provide support and training for the parents of at risk language minority students before their children begin to experience frustration and failure in the regular classroom. Parent training, involvement and empowerment will, in the long run, result in improved student performance.

4. Prioritize the need for strong and effective prereferral models and interventions under the auspices of regular bilingual and ESL programs.

5. Implement an assessment process that is student advocacy-oriented and naturalistic as opposed to psychometric and administrative in orientation.

6. Utilize dynamic, process-oriented assessment models, including ecological and curriculum-based assessment along with diagnostic and analytic teaching approaches to assessment.

7. Use diagnostic placements in optimal instructional settings as alternatives to excessive and costly individualized testing approaches.

8. Hold high expectations for at-risk and CLDE students by providing an enriched, challenging optimal learning environment and curriculum.

9. Utilize the students' native language and culture as valuable teaching resources to promote the maximum cognitive and affective development.

10. Stress the acquisition of English by providing comprehensible ESL instruction that is natural and that stresses communication.

11. Utilize an interactive rather than a transmission model of instruction within the regular as well as the bilingual special education classroom.

12. Incorporate a rich whole language approach that utilizes culturally meaningful material to teach reading and writing.

13. Promote the use of cooperative learning opportunities within the bilingual special education as well as the mainstream class setting.

14. Prioritize the need for effective consultation and collaboration by teams of bilingual and monolingual mainstream teachers with special education and bilingual special education teachers.

15. Support the regular education initiative and provide bilingual special education services within the least restrictive and mainstream educational environment to the greatest extent possible.

Concerns for Policy Makers

School board members, together with central office and building administrators, establish educational and instructional polices. This is usually done in cooperation with legislators, parents and teachers. For the past several years, the educational reform movement has generated numerous reports concerned with reconceptualizing educational policy and practice for the twenty-first century and beyond. This movement provides an excellent opportunity for focusing attention on the "triple threat" CLDE students that have for the most part fallen through the large cracks of our education establishment. Given this timing and opportunity, the following issues, which directly affect high-risk and CLDE students, need policy discussion, formulation and implementation.

1. Major demographic shifts related to the ethnic and linguistic diversity in our schools.

2. The impact of social problems, such as poverty, gang violence, drug use, and family stress on our schools and on the increasing numbers of students who can be classified as handicapped and in need of special education services.

3. The lack of meaningful participation of culturally and linguistically different parents and community members in our schools and in the academic preparation of their children.

4. The severe shortage of minority and bilingual teachers, administrators, and other education personnel.

5. The lack of public and private monetary and moral support for education in general and particularly bilingual and bilingual special education.

6. The lack of administrative as well as instructional coordination of programs and services for at-risk students both in regular and special education. Also, included here is the lack of cooperation among Chapter I, special education, and migrant education.

7. The lack of adequate policies to guide educators and parents in their efforts to provide an optimal education for CLDE students.

8. The lack of sufficient alternatives and flexibility in conducting nonbiased and native language assessments of CLDE students.

9. The lack of capacity in special education to communicate effectively with and teach LEP students in their native language or with effective second language methods and curriculum.

10. The absence of a strong, systematic ongoing research agenda concerning the basic and applied issues in to the education of CLDE students.

Recommendations for Continued Research

Theoretical and applied research bilingualism, second language acquisition, and various aspects of bilingual education has slowly increased over the past fifteen years. On the other hand, research focused specifically on bilingual special education issues is only in the beginning stages. It is thus of utmost importance that both theoretical and applied research and evaluation studies be supported in the future.

Basic research related to CLDE students is needed on the following topics or issues:

1. the cognitive and metacognitive development of the mildly, moderately, severely, and profoundly handicapped LEP student within the various handicapping conditions;

2. the relationship between language and cognitive development for the mildly, moderately, severely and profoundly handi-

capped LEP student within the various handicapping conditions;

3. first and second language acquisition for the mildly, moderately, severely, and profoundly handicapped LEP student within the various handicapping conditions; and

4. the personality and affective development of the LEP student in terms of identity, self-esteem and self-concept in a variety social and academic domains.

Descriptive research is also needed to identify the impact of social and health issues on at-risk and CLDE students, their families, schools, teachers and instruction. For example, studies are needed to explore the following issues:

1. the impact of racism, ethnocentrism, sexism, classism and discriminatory behavior on the handicapped LEP students' education experience;

2. the impact of inadequate nutrition and health care on the education of handicapped LEP students;

3. The impact of drugs and alcohol on newly born, preschool, and school age handicapped LEP students; and

4. the impact of war trauma and gang violence on the education of LEP handicapped students.

Descriptive and ethnographic as well as quasiexperimental evaluation studies are needed to determine the characteristics of effective schools and instructional practices for LEP handicapped students. Included here should be short-term and longitudinal studies on the following topics:

1. the impact of interactional versus transmission models of bilingual and ESL instruction on LEP handicapped student achievement outcomes;

2. the impact of effective prereferral models of instruction on the academic and affective outcomes of LEP handicapped students in mainstream settings;

3. the impact of various types of mainstream and resource room placements and services on LEP handicapped student achievement outcomes;

4. the impact of various forms of self-contained bilingual special education placement and instruction on LEP handicapped student achievement outcomes;

5. the impact of a dynamic and instructionally oriented advocacy model of assessment prior to and during the special education placement of LEP handicapped students;

6. the impact of a strong parent and community involvement component in a bilingual special education program on LEP handicapped student achievement outcomes; and

7. the impact of a strong family literacy component in a bilingual special education program on LEP handicapped student achievement outcomes.

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